

REMARKS

Applicant respectfully petitions for withdrawal of the finality of the Action mailed on October 21, 2003.

In support of this petition, the Examiner has, for the first time, cited and applied five U.S. Patents in the Action mailed on October 21, 2003 and it is improper to make an Action final where prior art references are cited against claims for the first time.

More specifically, applicants are entitled to traverse an art rejection before an Action based on that art rejection is made final.

In this respect, the Examiner is now rejecting claims 8 and claims 2, 3, 5 and 8 dependent thereon, for being obvious/unpatentable over the newly cited Snowball U.S. Patent No. 4,762,613 combined with the Reber et al. U.S. Patent No. 6,180,003, previously cited.

This is grossly unfair to applicant.

Further, the Examiner has not stated in the Action that the citation of new art was caused by applicant's prior amendment to the claims to provide some justification for making the Action final.

Accordingly, applicant submits that the finality of the Action should be withdrawn.

The Examiner's rejection of claims 8 and claims 2, 3, 5 and 8 dependent thereon for being unpatentable under 35 USC § 103(a) over the Snowball U.S. Patent No. 4,762,613 and the Reber et al. U.S. Patent No. 6,180,003, as this rejection may be attempted to be applied to the amended claims 2-8, is respectfully traversed.

In support of this traverse, it is first pointed out that the Snowball shows a two chamber system, one chamber containing the UV source.

It will be noted Snowball does not at all teach, disclose or suggest a UV source that is arranged in and substantially along an upstanding middle axis of a container, as clearly called for in amended claim 8.


Furthermore, while Snowball shows a tiltable container and Reber et al. shows a handle, neither Snowball or Reber et al. disclose, teach or suggest a *titlable cover*, as called for in amended claim 8 or the function obtained with this structure, namely, that opening of the tiltable cover triggers shutdown of the UV source.

The indication of allowable subject matter in claim 6 is noted and claim 6 has now been amended into independent form including all the limitations in the previous claim from which it depended.

In summary, applicant submits that the apparatus now claimed in amended claim 8, clearly distinguishes applicant's apparatus from the teachings of all the references cited in this application and that all the claims are now in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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Thomas R. Vigil
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA
22nd Floor
CHICAGO, IL 60606-3912
Direct Telephone: 1-312-775-0407
Telephone: 1-312-655-1500
Fax: 1-312-655-1501
Email: trvigil@welshkatz.com